

# Formal Council Meeting Agenda



**REVISED**

**Tempe City Council  
Formal Council Meeting  
Harry E. Mitchell Government Center  
Tempe City Hall - City Council Chambers  
31 East Fifth Street, Tempe, Arizona  
Thursday, August 09, 2012  
7:30 PM**

Members of the City Council may attend either in person or by telephone conference call.

**1. INVOCATION - Councilmember Woods**

**2. PLEDGE OF ALLEGIANCE**

**3. MINUTES - Councilmember Ellis**

A. Approval of Council Meeting and Council Committee Meeting Minutes

1. Executive Session - June 28, 2012
2. [Neighborhood Quality of Life and Revitalization Council Committee - April 24, 2012 and May 22, 2012](#)

B. Acceptance of Committee, Board & Commission Meeting Minutes

1. [Neighborhood Advisory Commission - March 22, 2011, September 7, 2011, November 2, 2011 and January 4, 2012](#)
2. [Human Relations Commission - December 13, 2011](#)
3. [Tardeada Advisory Board - October 5, 2011 and April 11, 2012](#)
4. [Commission on Disability Concerns - May 3, 2012](#)
5. [Fire Public Safety Personnel Retirement System Board - May 3, 2012 and July 5, 2012](#)
6. [Historic Preservation Commission - May 10, 2012 and June 7, 2012](#)
7. [Development Review Commission - May 22, 2012, June 26, 2012 and June 12, 2012](#)
8. [Police Public Safety Personnel Retirement System Board - June 12, 2012 and July 5, 2012](#)
9. [Tempe Aviation Commission - June 12, 2012](#)
10. [Hearing Officer - June 19, 2012 and July 3, 2012](#)

**4. REPORTS AND ANNOUNCEMENTS**

A. Mayor's Announcements

1. Daniel Fowler Heroism Recognition
2. Board and Commission Appointment

B. Manager's Announcements

## 5. AGENDA

All items listed on the agenda will be considered as a group and will be enacted with one motion by the City Council unless an item is removed for separate consideration. Members of the public may remove public hearing items for separate consideration. Public hearing items are designated by an asterisk (\*). Councilmembers may remove any item for separate consideration.

Agenda items scheduled for Introduction/First Public Hearing will be heard, but will not be voted upon at this meeting. Items scheduled for Second Public Hearing/Final Adoption will be voted upon tonight.

'q-j' indicates quasi-judicial items. The City Council sits as a quasi-judicial body when hearing variances. In this situation, the City Council must conduct itself as a court, not as a legislative body. Pre-meeting contact with the City Council on quasi-judicial matters is prohibited. Any materials or conversations concerning the item shall only be presented to the City Council at the scheduled public hearing.

Legal Advice: If necessary, the City Council may vote to adjourn to executive session for the purpose of obtaining legal advice from the Council's attorney on any matter listed on the agenda pursuant to A.R.S §38-431.03(A)(3).

### A. Miscellaneous Items

- A1. [Request approval of the June 2012 Report of Claims Paid to be filed for audit.](#)

<b>COMMENTS</b>	This report is a compilation of all payments made through the City's accounts payable system during June 2012 that will be subject to audit by the City's external auditors.
<b>DOCUMENT NAME</b>	20120809fsnw01 ACCOUNTS PAYABLE (0208-01)

- A2. [Request approval of an Amendment to the Magellan Health Services of Arizona, Inc. Prevention Services Participant Agreement in order to accept and disburse a federal grant for the provision of youth substance abuse prevention programs and coalition efforts to reduce underage drinking in Tempe.](#)

<b>COMMENTS</b>	The Amendment to the Magellan Health Services of Arizona Prevention Services Participation Agreement awards \$157,225.00 in federal grant funds to Tempe through September 30, 2013.
<b>DOCUMENT NAME</b>	20120809cskb02 COMMUNITY SERVICES ADMIN (0701-01)

- A3. [Request approval of recommended funding for the 2012-2013 Arts Grants Awards to Tempe schools and nonprofit organizations.](#)

<b>COMMENTS</b>	Total amount of recommended grants funding is \$138,983 to be paid from the Municipal Arts Fund. No general fund monies are used for this project.
<b>DOCUMENT NAME</b>	20120809cskb01 COMMUNITY SERVICES ADMIN (0809-01)

- A4. [Request authorization for the execution of Supplement No. 2 to the Intergovernmental Agreement between the Arizona Board of Regents \(ASU\) and the City of Tempe for the sharing of telecommunications services.](#)

**COMMENTS** As part of the ongoing expansion and support of Tempe and ASU fiber optic networks in and around the downtown campus, both parties have an interest in sharing telecommunications infrastructure to reduce construction and operational costs associated with providing high-speed broadband services to employees. This agreement will result in no cost to the City.

**DOCUMENT NAME** 20120809ftdh01 COMMUNICATION (0100-02)

- A5. [Request approval for the Community Development Department to transfer fiscal year \(FY\) 2012-13 Capital Improvement Program \(CIP\) budget appropriation from the Tempe Town Lake Pedestrian Bridge project: No. 6501549, to the Veterans Memorial-Tempe project: No. 6503989, to provide sufficient budget appropriation to complete reimbursement for Phase 1 of the Veterans Memorial-Tempe project.](#)

**COMMENTS** An appropriation of \$108,250.36 in the FY 2012-13 budget is required to complete the reimbursement to Veterans Memorial-Tempe LLC for construction of the Veterans Memorial project. Sufficient unencumbered CIP budget appropriation is available for transfer from the Tempe Town Lake Pedestrian Bridge project to the Veterans Memorial project. The transfer of appropriation between these projects will not increase the total FY2012-13 CIP budget appropriation amount.

**DOCUMENT NAME** 20120809cdnr02 RIO SALADO MASTER PLAN 0112-07-03

- A6. [Request approval for the Fire Department to transfer fiscal year \(FY\) 2012-13 Capital Improvement Program \(CIP\) budget appropriation from the Radio Replacement project \(cost center 6947\) to the Fire Station #2 project \(cost center 5603609\), to provide sufficient budget appropriation to complete minimal remodeling at Fire Station #2 \(located at 3025 S. Hardy Drive\).](#)

**COMMENTS** \$42,400 in FY 2012-13 budget appropriation is required to complete the Fire Station #2 minimal remodeling. Sufficient unencumbered CIP budget appropriation is available for transfer from the Radio Replacement project to the Fire Station #2 project. The transfer of appropriation between these projects will not increase the total FY 2012-13 CIP budget appropriation amount.

**DOCUMENT NAME** 20120809db02 FIRE/FIRE ADMINISTRATION (0605-01)

- A7. [Request approval of recommended funding for the fiscal year 2012-2013 Maryanne Corder Neighborhood Grant Program to homeowners' and neighborhood associations.](#)

**COMMENTS** Total amount of recommended grants funding is \$100,627.55 to be paid for from the Capital Improvement Program budget.

**DOCUMENT NAME** 20120809crsw01

- A8. [Request approval for a Final Subdivision Plat for HAMPTON INN & SUITES AMENDED located at 1429 North Scottsdale Road.](#)

**COMMENTS** Request for HAMPTON INN & SUITES AMENDED (PL100400) (William Spresser, VRE Holding II LLC and VRE Holding III LLC, property owner; Darin A. Sender, Sender Associates, Chtd., applicant) located at 1429 North Scottsdale Road in the MU-3 (PAD),

Mixed-Use, Medium-High Density District with a Planned Area Development Overlay. The request includes the following: SBD12009 – Final Subdivision Plat to create three lots on +/-5.0083 acres.

**DOCUMENT NAME** 20120809cdkko01 PLANNED DEVELOPMENT (0406)

- A9. [Request approval of Amendment No. 2 to the Vehicle Lease Agreement between the City of Tempe and Downtown Tempe Community \(DTC\).](#)

**COMMENTS** This Amendment No. 2 restores the term of the lease to the original lease term date – June 24, 2015 along with any successive renewal terms. The lease term was amended in November, 2010, (Amd. No. 1) per C2010-194(a).

**DOCUMENT NAME** 20120809cdhg01 CENTRAL BUSINESS DISTRICT (0403-05)

- \*A10. [Hold a public hearing to recommend the approval of an acquisition of control of a Series 04 in-state wholesaler's liquor license for Action Wine and Spirits USA LLC, dba Action Wine and Spirits, 2055 East 5th Street.](#)

**COMMENTS** Billy Edward Shields is the Agent for this application.

**DOCUMENT NAME** 20120809 fsap01 124723 – LIQ LIC (0210-02)

- \*A11. [Hold a public hearing to recommend the approval of a Series 01 in-state producer's liquor license for Lipsmark LLC, dba Lipsmark, 5235 South Kyrene Road #7.](#)

**COMMENTS** Mark Luther Phillips is the Agent for this application.

**DOCUMENT NAME** 20120809 fsap02 203909 LIQ LIC (0210-02)

- \*A12. [Hold a public hearing to recommend the approval of a Series 12 restaurant liquor license for Brosenbrus LLC, dba Brosenbrus, 922 East Apache Boulevard #105.](#)

**COMMENTS** Bradley Allen Stewart is the Agent for this application.

**DOCUMENT NAME** 20120809 fsap03 123912 LIQ LIC (0210-02)

- \*A13. [Hold a public hearing to recommend the approval of a Series 10 beer and wine store liquor license for Oscar's Kwik Mart LLC, dba Quick Mart, 1806 North Scottsdale Road.](#)

**COMMENTS** George Youel Awraham is the Agent for this application.

**DOCUMENT NAME** 20120809 fsap04 203974 LIQ LIC (0210-02)

- A14. [Request approval of a board and commission appointment.](#)

**COMMENTS** N/A

**DOCUMENT NAME** 20120809 0102-01-00 BDS, COMMISSIONS, COMMITTEES ADM

## **B. Award of Bids/Contracts**

- B1. [Request approval of a ten-month contract renewal with Holmes Murphy & Associates as the City's employee benefits consultant for utilization by the Human Resources Department.](#)

**COMMENTS** Total cost of the one-year contract renewal will not exceed \$63,000.  
**DOCUMENT NAME** 20120809fsta01 PURCHASES (1004-01)

- B2. [Request approval of a two-year contract with three one-year renewal options to Precision Graphics for screen printed and embroidered clothing for the Tempe Fire Department.](#)

**COMMENTS** Total cost of this contract will not exceed \$80,000 during the initial two-year contract period.  
**DOCUMENT NAME** 20120809fslg06 PURCHASES (1004-01)

- B3. [Request approval for the expenditure of funds under the existing Intergovernmental Agreement with the City of Phoenix Fire Department for firefighter medical and physical exams for fiscal year 2012/2013.](#)

**COMMENTS** Total expenditure of funds for fiscal year 2012-2013 shall not exceed \$127,900.  
**DOCUMENT NAME** 20120809fslg08 PURCHASES (1004-01)

- B4. [Request approval of a four-month contract renewal with Santa Barbara Catering for catering and concession services at the Tempe Center for the Arts.](#)

**COMMENTS** This renewal will result in no cost to the City.  
**DOCUMENT NAME** 20120809fslg02 PURCHASES (1004-01)

- B5. [Request approval of a one-year contract renewal with West Coast Arborist, Inc. for tree trimming services for the downtown trees and various City parks and facilities for the Public Works Department.](#)

**COMMENTS** Total cost of this contract will not exceed \$100,000 during the one-year contract renewal period.  
**DOCUMENT NAME** 20120809fslg04 PURCHASES (1004-01)

- B6. [Request approval of one-year contract renewals with Precision Graphics and Snider Sports and Apparel for sports clothing for use by the Community Services Department.](#)

**COMMENTS** Total combined costs of these contracts shall not exceed \$60,000 during the one-year contract renewal period.  
**DOCUMENT NAME** 20120809fslg05 PURCHASES (1004-01)

- B7. [Request award of job order no. 3 to PCL Construction, Inc. for an emergency waterline repair and roadway restoration on McClintock Drive at Guadalupe Road due to a waterline break.](#)

**COMMENTS** Total amount of job order no. 3 is \$69,429.03 and the project contingency amount is \$6,900.  
**DOCUMENT NAME** 20120809pwdr05 ENGINEERING ADMINISTRATION (0803-02)  
PROJECT NO. 3205311

- B8. [Request approval to utilize nine-month Arizona Department of Transportation contracts with Dennis L. Lopez & Associates, First Appraisal Services, Inc., Loper & Associates, LLC, Nagy Property Consultants, Inc., and Sell & Associates, Inc. for property appraisal services for the Community Development Department.](#)

**COMMENTS** Total cost of this contract will not exceed \$100,000 during the initial nine-month contract period.  
**DOCUMENT NAME** 20120809fslg03 PURCHASES (1004-01)

- B9. [Request approval to utilize a one-year State of Arizona WSCA \(Western States Contracting Alliance\) contract with Lowe's HIW, Inc. for a store-wide agreement for the purchase of MRO \(Maintenance, Repair and Operating\) materials, tools and supplies used primarily by the Public Works Department.](#)

**COMMENTS** The total cost of this contract will not exceed \$100,000 during the one-year contract period.  
**DOCUMENT NAME** 20120809fsta09 PURCHASES (1004-01)

- B10. [Request award of job order no. 8 to J. Banicki Construction, Inc. for roadway restoration on Rural Road at Spence Avenue due to a waterline break.](#)

**COMMENTS** Total amount of job order no. 8 is \$365,985.05 and the project contingency amount is \$36,000.  
**DOCUMENT NAME** 20120809pwdr03 ENGINEERING ADMINISTRATION (0803-02)  
PROJECT NO. 3205281

- B11. [Request award of job order no. 10 to Caliente Construction, Inc. for electrical rewiring and infrastructure replacement along bicycle and pedestrian multi-use pathways.](#)

**COMMENTS** Total amount of job order no. 10 is \$319,463 and the project contingency amount is \$32,000.  
**DOCUMENT NAME** 20120809pwdr04 ENGINEERING ADMINISTRATION (0803-02)  
PROJECT NO. 6005241

- B12. [Request approval to utilize one-year Maricopa County Community College District contracts with Facilitec, Inc., Transact Commercial Furnishings, Vanguard Concept Offices, and Workspaces for the purchase of furniture for use by all City Departments.](#)

**COMMENTS** The total cost of these contracts will not exceed \$200,000 during the one-year contract period.  
**DOCUMENT NAME** 20120809fslg11 PURCHASES (1004-01)

- B13. [Request approval to award a two-year contract with three, one-year renewal options to Southwest Partitions and Office Interiors for the purchase of remanufactured Herman Miller systems furniture and related support services to be used throughout the City.](#)

**COMMENTS** Total cost of this contract shall not exceed \$60,000 during the initial two-year contract period.  
**DOCUMENT NAME** 20120809fslg10 PURCHASES (1004-01)

- B14. [Request approval to award one-year contracts with four, one-year renewal options to Clayton Holdings, LLC, Comerica Leasing Corporation and Banc of America Public Capitol Corp to provide 3rd party lease financing services for various City departments.](#)

**COMMENTS**

Total combined cost of these one-year contracts shall not exceed \$500,391.84. Out of this total value, only \$17,774.19 will be related to financing cost. The remaining value will be the actual cost of the 120 unit golf cart fleet that was competitively sourced and awarded under a previous solicitation. Under the new golf business model, the City receives the revenue stream from the rental of golf carts (approximately \$667,000 annually) and assumes responsibility for the acquisition and operations of the fleet. By employing a strategy of owning its fleet, rather than renting, the City will reduce this annual expense after the 4th year and have the flexibility to stagger the age of the fleet for maximum benefit.

**DOCUMENT NAME**

20120809fsmg13 PURCHASES (1004-01)

- B15. [Request approval to award one-year contracts with four, one-year renewal options to Universal Police Supply Company and West Valley Uniforms DBA East Valley Uniforms to provide ballistic vests, carriers and trauma plates for the Police Department.](#)

**COMMENTS**

Total combined cost of these one-year contracts shall not exceed 85,000.

**DOCUMENT NAME**

20120809fsmg14 PURCHASES (1004-01)

**C. Ordinances and Items for Introduction/First Hearing - These items will have two public hearings before final Council action**

- \*C1. [Introduction and first public hearing to adopt an ordinance for the lease of real property to FSAL, Inc. / Tempe Adult Day Care for the Freestone House located at 2303 East Maryland Drive, Tempe, Arizona; and authorizing the Mayor to execute the lease and attendant documents. The second and final public hearing is scheduled for September 6, 2012.](#)

**COMMENTS**

The lessee pays \$100 per month for the leased premises, and all operating costs, including utility charges and telephone.

**DOCUMENT NAME**

20120809 VICTORY ACRES ELDERLY HOUSING (0408-01)  
ORDINANCE NO. 2012.34

- \*C2. [Introduction and first public hearing to adopt an ordinance abandoning a portion of an existing public waterline easement north of Baseline Road, east of Jentilly Lane. The second and final public hearing is scheduled for September 6, 2012.](#)

**COMMENTS**

The existing waterline easement is being abandoned to accommodate construction for new development at the Lake Country Village. New waterlines have been installed and removal of the previously installed waterline has been completed. A new easement has been dedicated for the new waterline and appurtenances.

**DOCUMENT NAME**

20120809pwko01 ABANDONMENT (0901) ORDINANCE NO.  
2012.36



- \*C3. [Introduction and first public hearing to adopt an ordinance authorizing the abandonment of a portion of an existing Landscaping, Signage, Pedestrian, Bike Path, Drainage, Construction Slope and Public Utility Easement lying within Lot 4 of Papago Park Center – Phase 1, recorded in the office of the Maricopa County Recorder, Book 619 of Maps, Page 45. The second and final public hearing is scheduled for September 6, 2012.](#)

**COMMENTS**

This part of the existing easement lies under an existing parking garage that has been constructed on the parcel. The owner of the parcel has requested abandonment of this portion of the easement in order to remove the easement encumbrance for future sale of the property.

**DOCUMENT NAME**

20120809pwko02 ABANDONMENT (0901) ORDINANCE NO. 2012.37

- \*C4. [Introduction and first public hearing to adopt an ordinance amending Chapter 33, Article V, Tempe City Code, relating to Cross-Connection Control, by amending Section 33-111, relating to Penalty. The second and final public hearing is scheduled for September 6, 2012.](#)

**COMMENTS**

This ordinance will amend the City Code to bring uniformity to the City's enforcement authorities and powers for violations of the City's ordinances on Stormwater Pollution Control (Chapter 12, Article VI), Sewers – Pretreatment (Chapter 27, Article I), and Cross-Connection Control (Chapter 33, Article V). Following the adoption of this ordinance, an Enforcement Response Plan outlining the proposed response to suspected violations of these ordinances will be submitted to Council for its approval.

The purpose of Tempe's cross-connection control program is to protect the public water supply from the possibility of contamination or pollution by preventing backflow of non-potable water into the public potable water supply. Currently, the City Code provides little enforcement authority or flexibility to ensure compliance with the cross-connection program. The ordinance will amend the City Code to (i) provide a broader and more flexible ability to enforce the cross-connection control program, (2) authorize the adoption of an enforcement response plan dealing with violations of the City Code provisions dealing with the cross-connection program, and (3) authorize combining the enforcement response plan for violations of the City Code provisions dealing with the cross-connection program with the enforcement response plans for other violations of the City Code which are protective of water quality to assure uniformity to the City's enforcement response.

**DOCUMENT NAME**

20120809PWDM02 WATER ADMIN (0811-00) ORDINANCE NO. 2012.39

- \*C5. [Introduction and first public hearing to adopt an ordinance amending Chapter 12, Article VI, Tempe City Code, relating to Storm Water Pollution Control, by amending Section 12-149, relating to Civil Penalties, and by adding a new Section 12-153, relating to Enforcement Response Plan And Penalty Policy. The second and final public hearing is scheduled for September 6, 2012.](#)



**COMMENTS**

This ordinance will amend the City Code to bring uniformity to the City's enforcement authorities and powers for violations of the City's ordinances on Stormwater Pollution Control (Chapter 12, Article VI), Sewers – Pretreatment (Chapter 27, Article I), and Cross-Connection Control (Chapter 33, Article V). Following the adoption of this ordinance, an Enforcement Response Plan outlining the proposed response to suspected violations of these ordinances will be submitted to Council for its approval.

The discharge permit for stormwater recently issued to Tempe by the Arizona Department of Environmental Quality requires Tempe for the first time to adopt an enforcement response plan for violations of the Clean Water Act provisions dealing with stormwater. (AZPDES Permit No. AZS-000005-2010, Appendix A, Part III(G)). The ordinance will amend the City Code to (i) authorize the adoption of an enforcement response plan dealing with violations of stormwater provisions of the City Code as required by AZPDES Permit No. AZS-000005-2010, (2) authorize combining the enforcement response plan for violations of City Code stormwater provisions with the enforcement response plans for other violations of the City Code which are protective of water quality to assure uniformity to the City's enforcement response, and (3) bring uniformity to the civil penalty provisions of these various City Code provisions to allow for a uniform and combined enforcement response plan.

**DOCUMENT NAME**

20120809PWDM03 WATER ADMIN (0811-00) ORDINANCE NO. 2012.40

- \*C6. [Introduction and first public hearing to adopt an ordinance amending Chapter 27, Article I, Tempe City Code, relating to Sewers - Pretreatment, by repealing Section 27-65, relating to Discharge Violations, by repealing Section 27-66, relating to Enforcement; Penalties, and by amending Section 27-95, relating to Enforcement Response Plan And Penalty Policy. The second and final public hearing is scheduled for September 6, 2012.](#)

**COMMENTS**

This ordinance will amend the City Code to bring uniformity to the City's enforcement authorities and powers for violations of the City's ordinances on Stormwater Pollution Control (Chapter 12, Article VI), Sewers – Pretreatment (Chapter 27, Article I), and Cross-Connection Control (Chapter 33, Article V). Following the adoption of this ordinance, an Enforcement Response Plan outlining the proposed response to suspected violations of these ordinances will be submitted to Council for its approval. This ordinance also repeals certain duplicative City Code provisions dealing with enforcement of Tempe City Code, Chapter 27, Article I.

Regulations adopted under the Clean Water Act require publicly owned treatment works to develop and implement enforcement response plans to detail how violations of the Clean Water Act by industrial users will be investigated and enforced. See 40 C.F.R. § 403.8. The ordinance will amend the City Code to (i) update the process by which Tempe adopts its enforcement response plan, (ii) eliminate duplicative provisions of Chapter 27 of the City Code dealing with the enforcement response plan, and (iii) authorize combining the enforcement response plan for violations of the Clean

Water Act by industrial users with enforcement response plans for other violations of the City Code which are protective of water quality to assure uniformity to the City's enforcement response..

**DOCUMENT NAME** 20120809PWDM04 WASTE WATER ADMIN (0812-01)  
ORDINANCE NO. 2012.41

- \*C7. [Introduction and first public hearing to adopt an ordinance for the TEMPORARY SIGN PROGRAM. The second and final public hearing is scheduled for September 6, 2012.](#)

**COMMENTS** Request for TEMPORARY SIGN PROGRAM (PL100056) (Community Development Dept., applicant) consisting of Zoning and Development Code amendments for an extension of temporary sign allowances and temporary banners to advertise vacant commercial space. The request includes the following: ZOA12001 (Ordinance No. 2012.43) – Code Text Amendment for Sections 4-903(M), Lead-In Sign; 4-903(P), For Sale, Lease or Rent Sign; 4-903(R), Special Event Sign; and Section 4-906, Leasing Banner Sign.

**DOCUMENT NAME** 20120809cdri01 ZONING & DEVELOPMENT CODE (0414-04)  
ORDINANCE NO. 2012.43

**D. Ordinances and Items for Second Hearing/Final Adoption**

- \*D1. [Second and final public hearing to adopt a resolution authorizing the Mayor to execute a General Plan Amendment and to adopt an ordinance for a Zoning Map Amendment for RURAL AND LAKESHORE RESTAURANT COMPLEX located at 4455 S. Rural Road.](#)

**COMMENTS** Request for RURAL AND LAKESHORE RESTAURANT COMPLEX (PL120121) (Holly James, D.R.Horton, Inc., property owner; Wayne Sterling, Sterling Design Associates, LLC, applicant) consisting of Lot 1, a one-story 1,725 s.f. restaurant and Lot 2 a one-story 3,500 s.f. building for two restaurants for a total of 5,225 s.f., on 1.23 net acres, located at 4455 S. Rural Road in the MU-3 District. The request includes the following:  
GEP12002 – (Resolution No. 2012.55) General Plan Land Use Amendment from Mixed Use to Commercial.  
ZON12002 – (Ordinance No.2012.26) Zoning Map Amendment from MU-3, Mixed-Use Three, Medium Density District to PCC-2 Planned Commercial Center Two.

**DOCUMENT NAME** 20120809cddk02 PLANNED DEVELOPMENT (0406)  
(RESOLUTION NO. 2012.55) (ORDINANCE NO. 2012.26)

- \*D2. [Second and final public hearing to adopt a resolution authorizing the Mayor to execute a General Plan Amendment and to adopt ordinances for a Zoning Map Amendment and Planned Area Development Overlay for ARGO AT TOWN LAKE, 601 W. Rio Salado Parkway.](#)

**COMMENTS** Request for ARGO AT TOWN LAKE (PL110131) (Jason Ottman, Evergreen Development Co., property owner; Brent Fike, Todd & Associates Inc., applicant) consisting of a new four story building over two floors of podium parking, with 604,105 s.f., on approximately 5.72 net acres, located at 601 W Rio Salado Parkway in the MU-4 Mixed Use District. The request includes the following:

GEP12003 - (Resolution No. 2012.60) General Plan Land Use and Density Map Amendment from Open Space to Mixed Use and from up to 25 du/ac to greater than 25 du/ac on .135 acres of the 5.72 acre site.

ZON12003 – (Ordinance No. 2012.27) Zoning Map Amendment from GID, General Industrial District to MU-4, Mixed-Use, High Density District for .135 acres of the 5.72 acre site.

PAD12003 – (Ordinance No. 2012.28) Planned Area Development Overlay Amendment to change existing entitlements for density from 99 du/ac to 63 du/ac, lot coverage from 53% to 75%, landscape area from 35% to 43.2%, building height from 189' to 90', side yard setback from 44'6" to 34'0", and parking reduction from 664 to 559 parking spaces.

**DOCUMENT NAME** 20120809cddk01 PLANNED DEVELOPMENT (0406)  
RESOLUTION NO. 2012.60; ORDINANCE NO. 2012.27;  
ORDINANCE NO. 2012.28

- \*D3. [Second and final public hearing to amend the Tempe City Code, Section 2-181, relating to the City boards and commissions, providing authority to boards and commissions to create subcommittees under certain restrictions.](#)

**COMMENTS** There is no direct cost to the City with this Code amendment.  
**DOCUMENT NAME** 20120809ccbk01 0102-01-00 BDS, COMMISSIONS, COMMITTEES  
ADM; ORDINANCE NO. 2012.35

## **E. Resolutions**

- E1. [Request adoption of a resolution to accept grant funding from the Governor's Office of Highway Safety for Traffic Enforcement and Equipment, receive the grant funds and to disperse the funds and/or incur allowable expenses.](#)

**COMMENTS** The award amount is \$38,830  
**DOCUMENT NAME** 20120809pdmk01 POLICE DEPT ADMIN (0606-02) RESOLUTION  
NO. 2012.91

- E2. [Request adoption of a resolution to accept grant funding from the Governor's Office of Highway Safety for DUI Enforcement and Equipment, receive the grant funds and to disperse the funds and/or incur allowable expenses..](#)

**COMMENTS** The award amount is \$44,363  
**DOCUMENT NAME** 20120809pdmk02 POLICE DEPT ADMIN (0606-02) RESOLUTION  
NO. 2012.92

- E3. [Request adoption of a resolution authorizing the Mayor to execute an Intergovernmental Agreement between the Town of Gilbert and the City of Tempe for the Juvenile Accountability Block Grant JB-CSG-12-2366-09.](#)

**COMMENTS** Under the Intergovernmental Agreement the City of Tempe will disburse Juvenile Accountability Block Grant funds in the amount of \$2,619.00 to support the Town of Gilbert's Adolescent Life Fundamentals Program.

**DOCUMENT NAME** 20120809cskb01 COMMUNITY SERVICES ADMIN (0701-01) RESOLUTION NO. 2012.93

- E4. [Request adoption of a resolution to accept grant funding from the Governor's Office of Highway Safety for Occupant Protection Enforcement, receive the grant funds and to disperse the funds and/or incur allowable expenses.](#)

**COMMENTS** The award amount is \$20,000

**DOCUMENT NAME** 20120809pdmk03 POLICE DEPT ADMIN (0606-02) RESOLUTION NO. 2012.94

- E5. [Request adoption of a resolution authorizing the Mayor to terminate the intergovernmental agreement between the City of Tempe and participating municipalities for sharing information obtained from E-Verify audits.](#)

**COMMENTS** In order to reduce staff time and obligations, Tempe wishes to terminate its participation in the sharing of E-Verify audit results. Other participating cities did not contribute to the shared database as anticipated. There is no cost to Tempe to terminate the agreement.

**DOCUMENT NAME** 20120809caef01 AZ League of Cities & Towns (0105-04-01) RESOLUTION NO. 2012.95

- E6. [Request adoption of a resolution authorizing the Mayor to execute the Grant Agreement between the Arizona Criminal Justice Commission and the City of Tempe for the purpose of accepting and spending a state grant for the provision of CARE 7 victim services.](#)

**COMMENTS** The Arizona Criminal Justice Commission has awarded \$21,000.00 to Tempe through June 30, 2013.

**DOCUMENT NAME** 20120809cskb03 COMMUNITY SERVICES ADMIN (0701-01) RESOLUTION NO. 2012.96

- E7. [Request adoption of a resolution authorizing the Mayor to execute the Subgrant Award Agreement between the Arizona Department of Public Safety-Victims of Crime Act, Victim Assistance Program and the City of Tempe, for the purpose of accepting and spending a federal grant for the provision of Care 7 victim assistance services.](#)

**COMMENTS** The Arizona Department of Public Safety Victims of Crime Act Victim Assistance Grant Program has awarded \$105,656.00 to Tempe through June 30, 2013.

**DOCUMENT NAME** 20120809cskb04 COMMUNITY SERVICES ADMIN (0701-01) RESOLUTION NO. 2012.97

- E8. [Request adoption of a resolution authorizing the execution of an amendment to the existing Agreement with Salt River Project Agricultural and Improvement District to accommodate relocation of City improvements within or adjacent to Tempe Town Lake to facilitate the widening of State Route 202 \(SR202\).](#)

**COMMENTS** As part of the widening of SR202, the City must relocate certain improvements constructed within land within or along Tempe Town Lake over which SRP has existing easements and which may impact existing SRP facilities. Under the existing Agreement [C97-163] City and SRP agreed to coordinate with one another when making changes to their facilities. As part of the widening of State Route 202, City must relocate certain improvements. This amendment will facilitate the relocation by providing the requisite coordination between SRP and City.

**DOCUMENT NAME** 20120809pwko06 SRP (0113-03) RESOLUTION NO. 2012.98

- E9. [Request adoption of a resolution to accept Federal Emergency Management Agency \(FEMA\) Grant No. EMW-2011-FP-01175, receive the grant funds and to distribute the funds and/or incur allowable expenses.](#)

**COMMENTS** The total project amount of this grant is \$48,300 of which \$38,640 is Federal funds.

**DOCUMENT NAME** 20120809fdjv01 FIRE/FIRE PREVENTION (0605-01) RESOLUTION NO. 2012.99

- E10. [Request adoption of a resolution authorizing the execution and delivery of certain agreements; approving an official statement; approving the issuance and sale of not to exceed \\$45,000,000 Transit Excise Tax Revenue Refunding Obligations, Series 2012; authorizing the redemption in advance of maturity of certain outstanding obligations; authorizing the taking of all other actions necessary for the consummation of the transactions contemplated.](#)

**COMMENTS** The issuance of the Transit Excise Tax Revenue Refunding Obligations, Series 2012, is in accordance with the operating budget as adopted by the City Council; issuance of the obligations allows the City to take advantage of the historically low interest rate environment through converting the remaining, outstanding variable rate debt to fixed rate debt.

**DOCUMENT NAME** 20120809ftjh BOND SERVICE ADMINISTRATION (0203-01) RESOLUTION NO. 2012.100

- E11. [Request adoption of a resolution authorizing the execution and delivery of an equipment lease-purchase agreement and separate lease schedule \(not to exceed \\$525,000\) as required with respect to the acquisition, purchase, financing and leasing of certain equipment for the public benefit; authorizing the execution and delivery of documents required in connection therewith; and the taking of all other actions necessary for the consummation of the transactions contemplated.](#)

**COMMENTS** The approval of this resolution will authorize the third-party, lease financing of a fleet of 120 new electric golf carts to be used at the Rolling Hills and Ken McDonald golf courses.

**DOCUMENT NAME** 20120809ftjh BOND SERVICE ADMINISTRATION (0203-01) RESOLUTION NO. 2012.101

- E12. [Request adoption of a resolution authorizing the Manager to seek approval from the Federal Transit Administration and Arizona Board of Regents to extend the closing and certain other performance dates set forth in the Development and Disposition Agreement \[C2011-72\], dated](#)

[as of June 30, 2011 between the City and 529 TEMPE L.L.C.](#)

<b>COMMENTS</b>	N/A
<b>DOCUMENT NAME</b>	20120809cdlc REAL PROPERTY DISPOSITION (0902-21-01) RESOLUTION NO.2012.102

## **6. CURRENT EVENTS/COUNCIL ANNOUNCEMENTS/FUTURE AGENDA ITEMS**

## **7. PUBLIC APPEARANCES**

According to the Arizona Open Meeting Law, the City Council may only discuss matters listed on this agenda. Matters discussed by the public during public appearances cannot be discussed by the City Council unless they are specifically listed on this agenda. There is a five-minute time limit per speaker. Speaker's visual aids or recorded tapes are not allowed.

Members of the public shall refrain from making personal, impertinent or slanderous remarks and from becoming boisterous while addressing the City Council or while attending the meeting. Unauthorized remarks from the audience, clapping, stomping of feet, yelling or any similar demonstrations are also prohibited. Violations of these rules may result in removal from the City Council meeting.

### **A. Scheduled**

1. Haryaksha Gregor Knauer - Resolution for Constitutional Amendment

### **B. Unscheduled**

The City of Tempe endeavors to make all public meetings accessible to persons with disabilities. With 72 hours advance notice, special assistance can also be provided for sight and/or hearing impaired persons at public meetings. Please call (480) 350-2905 (voice) or (480) 350-2750 (TDD) to request an accommodation to participate in the City Council meeting.
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